

**Exhibit 6 to Statement of Undisputed Facts Filed in Support of Motion of Hardric
Laboratories, Inc. For Summary Judgment**

CHARTIER DEPOSITION EXCERPTS AND EXHIBITS

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1 MR. WYMAN: I don't normally have the
2 practice of remarking deposition exhibits, but if
3 anybody would like me to, I'm perfectly happy to.
4 I think we know what the document is and it seems
5 like a needless exercise to me.

6 MR. MATANOVIC: I was simply asking a
7 question.

8 Q. (BY MR. WYMAN) My first question to you,
9 sir, is whether you recognize the document.

10 A. This is a document dated 1961.

11 Q. Mm-hmm.

12 A. I can't truly say that I recognize this
13 document in all of its context, because I started
14 roughly 20 years after this document was printed.

15 Q. I understand, sir.

16 A. It looks familiar, but I can't say that
17 it's exactly this document.

18 Q. Let me give you also another document here,
19 if I can, which was marked as McCarthy Exhibit
20 Number 7 for identification at the Raytheon 30(b)6
21 deposition; and the same question for this
22 document, and that is whether you recognize this
23 document.

24 A. I guess my answer would be similar to this

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1 1961 document.

2 Q. Okay.

3 A. It's similar to what I worked with, but
4 whether it was this particular document, I can't
5 really say. You know, this is November '67.

6 Q. Taking a look just briefly, sir, and I'll
7 give you a chance to take a look at them, the
8 Exhibit Number 6, McCarthy number six, which is the
9 one that has the letterhead type thing on the first
10 page, on the second page, there are -- there's a
11 description of procedures and controls. On the
12 first page, there is a description of
13 responsibilities, as you see in the bottom half
14 there, and the second paragraph is it's the
15 responsibility of the manager of procurement to
16 designate a single purchasing representative
17 through whom all orders for beryllium or its
18 compound must be channeled?

19 MR. JACOBS: He's on the first page
20 now.

21 Q. (BY MR. WYMAN) And focusing first, do you
22 see under responsibility on the first page in the
23 bottom section near the second paragraph?

24 A. Yes.

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1 Q. It talks about the responsibility of the
2 manager of procurement to designate a single
3 purchasing representative through whom all orders
4 for beryllium or its compounds must be channeled?

5 A. My answer to that would be I was a buyer.

6 I was not the beryllia coordinator. I don't
7 believe -- I don't recall having a beryllia
8 coordinator dedicated to power tube.

9 Q. Was there some one person who was
10 designated as being responsible for the procurement
11 of materials that contained beryllium or
12 beryllia --

13 A. Yes.

14 Q. -- starting in the period of time 1982
15 through 1990?

16 A. Yes, sir.

17 Q. And who was that person?

18 A. Myself.

19 Q. Okay. So were there special procedures
20 that you followed as the procurement person for
21 materials containing beryllium and beryllia during
22 the period from 1982 through 1990?

23 A. I can't answer on beryllium, but beryllia
24 -- beryllia oxide, BEO as we call it, yes.

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1 Q. Could you describe for us, please, the
2 procedures that were followed during that period of
3 time for the purchase of beryllia-containing
4 materials?

5 A. All right.

6 MR. MATANOVIC: You're asking for the
7 entire ten or so years?

8 Q. (BY MR. WYMAN) Just generally, yes, during
9 that period of time, what were the special
10 procedures that were followed with respect to
11 purchase of materials that contained beryllia at
12 the microwave and power tube division?

13 A. Each buyer would receive a purchase
14 requisition.

15 Q. Mm-hmm.

16 A. Along with the requisition would be
17 supporting documents, specifically drawings.

18 Q. Mm-hmm.

19 A. And in the case of beryllia, a document
20 that's similar to these here that we would flow
21 down to the vendors. If we were supplying or
22 requesting a quotation from the vendor, we would
23 supply not only the drawing or specification, but
24 the material specs to go with that, including all

5 (Pages 14 to 17)

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1 the data sheets, safety data sheets, an example of
2 the labels that we required without exception for
3 all beryllia product.

4 Q. And these are materials that you received
5 and transmitted on to potential vendors; is that
6 correct?

7 A. The buyer would receive the purchase
8 requisition with supporting documents, yes. In the
9 case of myself, placing orders for BEO, I would
10 receive that package. I would not proceed unless I
11 got a complete package from the planning group
12 which contained all of these various documents.

13 Q. And what was the reason for the special
14 procedures that were followed at Raytheon during
15 this period for materials that contained beryllia?

16 A. Let me try to explain that as briefly as I
17 can.

18 Q. Yes, okay.

19 A. Raytheon, when I first started, including
20 today, was extremely sensitive to hazardous type
21 materials, okay? They made it clearly known to the
22 buyer, to me, that it was my responsibility,
23 without exception, to make sure that everything
24 that I did was to a procedure and specifications to

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1 make sure that no one would inhale dust or anything
2 from the beryllia. It was very, very tightly
3 controlled.

4 Q. Now, you indicated that among the things
5 you received were specifications and drawings.

6 A. Correct.

7 Q. Were these specifications and drawings that
8 were prepared or approved by the United States
9 government, to your knowledge?

10 A. No. To the best of my knowledge, they were
11 not.

12 Q. Okay. Were these specifications and
13 drawings, did they relate to products that were
14 being manufactured by Raytheon for the United
15 States government?

16 A. Yes, sir.

17 Q. Okay. And were there special notations
18 that appeared on drawings for products that
19 contained beryllia?

20 A. Absolutely.

21 Q. What types of notifications were there?

22 A. I don't remember the exact words, but it
23 was extremely clear, very, very clear that the
24 product that was to be manufactured was beryllia.

Page 20

1 Q. Okay. Were there special requirements for
2 labels on packages that were being shipped by
3 vendors to the microwave and power tube division
4 that had special warnings concerning beryllia?

5 MR. MATANOVIC: Objection to the form.

6 A. I'm sorry?

7 MR. JACOBS: You can answer.

8 A. Yes, there were.

9 Q. (BY MR. WYMAN) Was there a list of vendors
10 who provided materials containing beryllia that you
11 used in connection with your purchase of
12 beryllia-containing products for the power -- the
13 microwave and power tube division?

14 A. I don't know what you mean by a list.
15 Could you define that, please?

16 MR. MATANOVIC: Also define a time
17 period, if you will.

18 Q. (BY MR. WYMAN) Okay. Let's take the time
19 period between 1982 and 1990, if we can. Are you
20 familiar with the names of the companies that sold
21 beryllia-containing materials to the Raytheon
22 microwave and power tube division?

23 A. I would say yes.

24 Q. Okay. And there are two Kyocera companies

Page 21

1 that have been identified as defendants in this
2 case. Was Kyocera Americas a seller of materials
3 containing beryllia to the microwave and power tube
4 division during the period of time 1982 to 1990?

5 A. No, sir.

6 Q. What about Kyocera Industrial Corporation?

7 A. No, sir.

8 Q. And are you certain of that?

9 A. As certain as I'm sitting at this table,
10 sir.

11 Q. Okay. And what is it that makes you
12 certain of the fact that neither Kyocera America
13 nor Kyocera Industrial were selling
14 beryllia-containing materials to the microwave and
15 power tube division during the period 1982 to 1990?

16 A. As part of any buyer's job, it's their
17 responsibility to secure as many sources as they
18 can for the product they're trying to purchase. I
19 recall contacting Kyocera as a possible source for
20 supplying windows, collectors, rods, any of these
21 configurations that we used in our product mix, and
22 their position was absolutely not. It is what they
23 considered to be hazardous material. They just
24 were not interested.

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1 Q. So to your knowledge, neither one of the
2 Kyocera corporations, Kyocera America or Kyocera
3 Industrial, ever sold products that contained
4 beryllia to the microwave and power tube division?
5 Is that correct?

6 A. That is correct.

7 Q. Are you familiar with a product
8 manufactured at Raytheon that was referred to as
9 the ARCO?

10 A. No, I don't, sir.

11 Q. Okay. What about a product that was
12 referred to as the tall man? Is that a description
13 that you have familiarity with?

14 A. Tall man?

15 Q. Tall man.

16 A. No, sir.

17 Q. Were there products that were sold by
18 Kyocera Americas or Kyocera Industrial to the
19 Raytheon microwave and power tube division during
20 the period from 1982 to 1990 that did not contain
21 beryllia?

22 A. Yes, sir.

23 Q. What products?

24 A. Many.

Page 23

1 Q. Were there any ceramic materials --

2 A. Absolutely, yes.

3 Q. -- that were sold by Kyocera Industrial or
4 Kyocera America --

5 A. Yes, sir.

6 Q. -- during that time period? What were the
7 components or ingredients in those ceramic
8 materials?

9 A. Alumina. Various percentages of alumina
10 from 92 to 99, 99.5, roughly, from memory.

11 Q. And was there a particular office of
12 Kyocera that interfaced with Raytheon in connection
13 with the sales of those alumina-containing ceramic
14 materials?

15 A. Yes, sir.

16 Q. Where was that office located?

17 A. Somewhere in Massachusetts. I don't
18 remember specifically where. I know the
19 salesperson's name that used to call on us, but --

20 Q. What was the salesperson's name?

21 A. Horowitz.

22 Q. Horowitz?

23 A. Yes. I believe the first name was Steven.

24 Q. Okay. Subsequent to that time period, were

Page 24

1 there any other Kyocera people who interfaced with
2 you in connection with Kyocera's sale of ceramic
3 materials to Raytheon?

4 A. Of beryllia -- I'm sorry; of alumina only.

5 Q. Alumina only?

6 A. Yeah. Horowitz was there for most of that
7 time, but he left in the late '80's, from
8 recollection, and I don't remember the -- the
9 peoples that replaced him.

10 Q. Okay. William Yervil, does that ring a
11 bell?

12 A. No, sir.

13 Q. So during the period from 1982 to 1990,
14 Kyocera was in fact selling ceramic materials to
15 Raytheon that contained alumina, correct?

16 A. Yes, sir.

17 Q. But never during that period of time did it
18 sell to the microwave and power tube division
19 ceramic materials that contained beryllia?

20 A. Not on my watch, sir. No, sir.

21 Q. Okay. Were there special procedures that
22 were followed by Raytheon microwave and power tube
23 division in connection with the receipt of
24 materials that contained beryllia during the period

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1 of time 1982 and onward?

2 A. Yes, sir.

3 Q. Okay. What special procedures were
4 followed by the microwave and power tube division
5 from 1982 onward in connection with the receipt of
6 materials or products that contained beryllia?

7 A. There were only a handful of beryllia
8 vendors that supplied that particular product.

9 Q. Mm-hmm.

10 A. The receiving manager knew who they were.
11 The vendors that were shipping product to Raytheon
12 had very, very specific instructions on what to do
13 when they sent a package out containing beryllia to
14 Raytheon.

15 Q. Mm-hmm.

16 A. Specifically, under no exceptions were they
17 allowed to ship anything to us that did not have
18 the red label on it.

19 Q. Mm-hmm.

20 A. No exception. I would get a call from the
21 receiving department immediately if a product came
22 in from Brush Wellman or anybody else that were
23 making beryllia product that did not have the red
24 label on it. It would be rejected. I would have

7 (Pages 22 to 25)

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1 time, and then I was the manager of that location,
2 as well as taking on two other locations later on
3 in the late '80's.

4 Q. All right. Thank you. And where -- was
5 your office at the Waltham facility during that
6 whole period of time?

7 A. Yes, it was, sir. Yes.

8 Q. In which building?

9 A. I'm wired now, I don't know to stretch too
10 FAR, but I was just above the lobby in that
11 building on the second floor.

12 Q. And when you say that building, are you
13 referring to, what, Building 50? Do you see on
14 this -- on the document you were pointing to, it
15 says Building 50.

16 A. Uh, yes.

17 Q. Okay. Thanks. All right. Now, during the
18 period let's say 1980 to 1990, who were Raytheon's
19 suppliers for beryllium oxide parts used at the
20 Waltham facility?

21 A. I can't speak before '82.

22 Q. Okay.

23 A. Okay? However, I do know that the sources
24 of supply really didn't change. Brush Wellman was

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1 A. The primary part was the Patriot collector.
2 They also used to make windows for us and shapes
3 like that, but the key item they made, which nobody
4 else could make successfully, was the collector.

5 Q. What was that used for?

6 A. It was used on the Patriot program missile.

7 Q. The Patriot missile program?

8 A. Yes, sir.

9 Q. What did Raytheon buy during that time
10 period from National Beryllia Corp.?

11 A. We didn't buy a great deal of anything from
12 them, but we did buy some beryllia products; my
13 recollection is probably some windows, probably
14 some -- maybe some cylinders.

15 Q. What do you mean by a window?

16 A. My definition of a window is a disk that
17 would look like a nickel or a quarter or --
18 depending on the size of it -- flat, usually
19 metalized, some kind of metalization on the
20 circumference, and that was sealed into one of our
21 assemblies.

22 Q. Do you recall the approximate size of the
23 windows that Raytheon purchased from National
24 Beryllia?

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1 a major supplier. What I call them -- I call them
2 the mother company of beryllia, because all of our
3 other vendors primarily bought the product from
4 Brush Wellman, so there was Brush Wellman, National
5 Beryllia, Ceradyne, Ceramic to Metal Seals, Kadco.

6 Q. How do you spell that?

7 A. K-A-D-C-O. They were a grinding house.
8 Ferro Ceramic Grinding; a little bit with American
9 Beryllium.

10 Q. Is that American Beryllium or American
11 Beryllia?

12 A. Beryllia. American Beryllia.

13 Q. Any other vendors?

14 A. I -- that's all I recall.

15 Q. Did Raytheon buy any beryllium oxide from a
16 company called Accuratus?

17 A. That's another vendor, yes.

18 Q. Did it buy any beryllium oxide from a
19 company called Coors Porcelain?

20 A. No, Coors was an alumina manufacturer. I'm
21 not aware of them producing any beryllia.

22 Q. Do you recall what beryllium oxide parts
23 Raytheon bought during the time period 1982 to 1990
24 from Ceradyne?

1 A. No, I don't, sir.

2 Q. Do you recall the approximate size of any
3 windows that Raytheon purchased from Ceradyne?

4 A. No. I -- there's several sizes.

5 Q. Well, what sizes do you recall?

6 A. Probably from a half an inch to maybe
7 seven-eighths of an inch, an inch at the most.

8 Q. In diameter?

9 A. In diameter, yes. Yeah.

10 Q. Were there some larger windows that
11 Raytheon purchased?

12 A. Yes, there were.

13 Q. Well, do you recall the larger sizes?

14 A. Oh, I'd say probably two, two and a half
15 inches, three inches in diameter, roughly.

16 Q. Where did Raytheon purchase those -- those
17 windows?

18 A. My memory is not that good, sir.

19 Q. What did Raytheon -- what beryllium oxide
20 parts did Raytheon purchase from Accuratus?

21 A. Not totally sure; probably some windows.

22 Now, when I say windows, let me just clarify that.

23 A window to me is anything that's a disk in shape.

24 It could be metalized or not metalized. You know,

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1 we could have used and we did use windows for a lot
2 of different applications.

3 Q. What beryllium oxide parts did Raytheon
4 purchase from Ceramic to Metal Seals?

5 A. They were a -- what I called a reop house.
6 It's that on occasion, we would have them take
7 blank beryllia in the shape of a window or disk and
8 have them do some special metalization to that disk
9 so that we could assemble it into one of our
10 products.

11 Q. When you did that, where did the blank come
12 from?

13 A. Raytheon would supply the blank.

14 Q. Did Raytheon buy the blank from an outside
15 vendor?

16 A. Yes.

17 Q. Who was the outside vendor?

18 A. Could be your company; could be -- could
19 have been Kadco, which was a grinding house, just
20 strictly a grinding house. We could have had Ferro
21 Ceramic Grinding grind up some blanks for us, or,
22 on occasion, we would have Ceramic to Metal Seal go
23 out and buy their own beryllia and come back with a
24 finished part, depending on the price.

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1 Q. Did Ceramic to Metal Seals sell any windows
2 to Raytheon, beryllium oxide windows, during the
3 1982 to 1990 time period?

4 A. They metalized windows, sir, yes.

5 Q. What kind of parts did Kadco sell to
6 Raytheon?

7 A. Kadco was strictly a grinding house, just
8 strictly grinding of alumina and beryllia. I found
9 them later in the '80's, so there isn't a whole lot
10 of volume that I got from Kadco as far as beryllia.
11 However, I did use them a lot on alumina, alumina
12 grinding, and they made everything.

13 Q. Well, what kinds of work did they do for
14 Raytheon as a grinding house?

15 A. They would grind the shape for us, a blank,
16 what we call a blank.

17 Q. Did they grind any windows for Raytheon?

18 A. Yes.

19 Q. Okay. And when they did that, what was the
20 source of the blanks that they were grinding?

21 A. Sometimes they would go out and buy their
22 own, and sometimes, we, Raytheon, would supply the
23 blank to them. But again, there was no great
24 quantities that we gave to Kadco as far as beryllia

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1 was concerned, because I found them later on in the
2 process.

3 Q. What about Ferro Ceramic Grinding? What
4 did they sell to Raytheon?

5 A. They -- they had a unique process. We used
6 to buy sticks, what we call a stick.

7 Q. Sticks?

8 A. Toothpick configuration, six, eight inches
9 long, roughly. The government gave Ferro Ceramic a
10 piece of very, very specialized grinding equipment,
11 government-furnished equipment. They would take
12 these sticks and grind them to extremely tight
13 tolerances.

14 Q. Where did the sticks come from?

15 A. I believe Brush Wellman.

16 Q. What were they used for?

17 A. In one of our assemblies.

18 Q. One of your assemblies that was --

19 A. In the Patriot program.

20 Q. -- for the Patriot missile?

21 A. Yeah, mm-hmm.

22 Q. You also mentioned American Beryllia. What
23 did Raytheon buy from that company?

24 A. I don't recall specifically, but I know we

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1 didn't do very much with them.

2 Q. Was there any relationship between American
3 Beryllia and National Beryllia?

4 A. I'm sorry?

5 Q. Was there any relationship between American
6 Beryllia and National Beryllia?

7 MR. AHERN: Objection.

8 A. I believe American Beryllia became National
9 Beryllia. Wasn't that the process?

10 Q. (BY MR. UBERSAX) Who was your contact
11 person with Brush Wellman during the '82 to '90
12 period?

13 A. I don't know if it was that long, but I
14 remember the name Greg Chesmar.

15 Q. Do you remember any other names?

16 A. No, I don't, sir.

17 Q. Are you familiar with something known as
18 the Klystron amplifier?

19 A. I know we made them at power tube.

20 Q. And is it correct that that amplifier was
21 used in the C-Sparrow and the Hawk missiles?

22 A. I'm not qualified to say that, sir.

23 Q. Was it used in some kind of military
24 application?

13 (Pages 46 to 49)

1 A. Absolutely. Yes, it was.
 2 Q. And are you aware that that amplifier had
 3 beryllium oxide windows in it?
 4 A. Yes, sir.
 5 Q. Who supplied to Raytheon the beryllium
 6 oxide windows?
 7 A. I don't remember.
 8 MR. MATANOVIC: For that application?
 9 MR. UBERSAX: Yes, of course.
 10 Q. (BY MR. UBERSAX) You don't recall?
 11 A. No. I know one was -- who did not supply
 12 them. I can say that.
 13 Q. Who was that?
 14 A. It was not Kyocera.
 15 Q. Okay. Do you recall purchasing any
 16 beryllium oxide windows that were round and about
 17 three inches in diameter?
 18 A. Yes, sure.
 19 Q. And do you recall from whom Raytheon
 20 purchased those particular windows?
 21 A. Some from Ceradyne. I remember getting
 22 some big ones from them.
 23 Q. What was the application for those
 24 three-inch windows?

1 They were not small. They were huge compared to
 2 the other product that we -- we made.
 3 Q. And is -- was there a particular room in
 4 which this assembly took place?
 5 A. I remember some of it being assembled on
 6 the first floor of that building.
 7 Q. You're pointing there to Building 1?
 8 A. Building 1, yes.
 9 Q. All right. And do you recall any other
 10 location where parts for the BWO were assembled?
 11 A. Well, they could have been assembled
 12 anywhere in the factory, but the main assembly was
 13 in that room on the first floor, only because they
 14 were so large, but the subassemblies were processed
 15 throughout the complex.
 16 Q. So would it be the case, then, that some of
 17 the subassemblies were also assembled in Building
 18 41, which appeared on the right side of that map?
 19 A. I can't answer that. My guesstimate is
 20 probably yes, but I can't answer that.
 21 Q. Are you familiar with a department that was
 22 given the number 3670? Does that mean anything to
 23 you?
 24 A. 3670? It's very close to my phone number.

1 A. Probably the big BWO's, backward wave
 2 oscillators; the big tubes, not the small traveling
 3 tubes. The big tubes.
 4 Q. What is a backward wave oscillator?
 5 A. I am not qualified to answer that, sir.
 6 Q. Where were -- well, what was the backward
 7 wave oscillator used for, as you understood it?
 8 A. I don't recall.
 9 Q. Was it used in some kind of military
 10 application?
 11 A. Yes. Oh, yes.
 12 Q. Was it included in an assembly that was
 13 sold to the U.S. government?
 14 A. Yes.
 15 Q. And did it have beryllium oxide parts in
 16 it?
 17 A. Yes.
 18 Q. Do you know where in the Raytheon Waltham
 19 facility that BWO assembly was put together?
 20 A. Yes, sir.
 21 Q. Where was that?
 22 A. It was what we call the large tubes. There
 23 was a room, because they were large, some of these
 24 tubes were 12 feet long, you know, and that big.

1 3670? No, sir. No, I don't.
 2 Q. Do you recall purchasing any windows that
 3 were rectangular and approximately one inch by two
 4 inch in dimension?
 5 A. No, I don't.
 6 Q. Do you recall any -- purchasing any windows
 7 that were rectangular?
 8 A. No.
 9 Q. In any sense? No? Did you know an Al
 10 Broadbent?
 11 A. Broadband? I remember the last name, but I
 12 don't remember the engineer.
 13 Q. What do you remember about him, if
 14 anything?
 15 A. He probably was an engineer. Al -- Al
 16 Broadband? No, I don't know that much about him.
 17 Q. What beryllium oxide parts did Raytheon
 18 purchase from Brush Wellman for use at the Waltham
 19 plant during the period 1982 to '90?
 20 A. The picks, the rods, the toothpicks, that I
 21 recall, cylinders of different diameters and OD's
 22 and different ID's.
 23 Q. Was there anything else?
 24 A. Probably some windows.

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1 window that was approximately three inches in
 2 diameter?
 3 A. In the truest sense of your question, I
 4 don't remember, but I would probably say yes.
 5 Q. What do you mean by that, sir? What --
 6 A. You had such a product -- Brush Wellman had
 7 such a product mix, and we had such a product line,
 8 it wasn't limited to -- if you're talking BWO's,
 9 like I buy a three-inch window for a BWO, that
 10 would be used on all BWO's. That's not the case.
 11 We had many, many different types of BWO's, okay?
 12 We also had many different types of traveling wave
 13 tubes or Klystrons.
 14 Q. Well, that's fine, but I asked you a
 15 specific question, and that is -- I've asked you
 16 already what you bought from Brush Wellman.
 17 A. Right.
 18 Q. And you told me toothpicks or rods and
 19 cylinders?
 20 A. Yes.
 21 Q. Also called collectors, I guess?
 22 A. Mm-hmm.
 23 Q. And you've not identified any -- any
 24 windows or disks that Raytheon bought from Brush

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1 Wellman.
 2 A. Okay.
 3 Q. Correct?
 4 A. Yeah.
 5 Q. And so I want to be very clear, as we sit
 6 here today, do you remember specifically whether
 7 you remember Raytheon purchasing any beryllium
 8 oxide windows from Brush Wellman?
 9 MR. MATANOVIC: Objection. Asked and
 10 answered.
 11 A. Beryllium oxide window from Brush? I would
 12 say yes.
 13 Q. (BY MR. UBERSAX) Well, tell me what size
 14 and shape they were.
 15 A. I can't remember that, sir.
 16 Q. Tell me what they were used for.
 17 A. Could have been used in BWO's; could have
 18 been used in --
 19 Q. Again, I don't want your speculation.
 20 A. No, I understand what you're saying, okay?
 21 I just don't recall that kind of detail.
 22 Q. Do you recall whether any of -- whether
 23 Raytheon ever purchased a window from Brush Wellman
 24 that was three inches in diameter, approximately?

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1 A. Answering your question, no.
 2 Q. Do you recall purchasing a three-inch
 3 diameter beryllium oxide window from any other
 4 vendor?
 5 A. Yes.
 6 Q. Which other vendor?
 7 A. Ceradyne.
 8 Q. Do you recall how that -- what that
 9 three-inch diameter window was used for?
 10 A. Not specifically, no.
 11 Q. Do you recall whether the Klystron
 12 amplifier included a three-inch diameter window?
 13 A. Klystrons, yes. Big tubes.
 14 Q. And they did? They had a three-inch
 15 window?
 16 A. Well, are you asking me a specific
 17 three-inch plus or minus ten?
 18 Q. Yes, approximately.
 19 A. I don't know, sir. I can't answer that. I
 20 might have ordered two and three quarter inch or I
 21 might have ordered three and a quarter inch, but
 22 specifically three? No, I can't answer that.
 23 Q. Well, I'm not asking -- do you recall that
 24 there was a beryllium oxide window of roughly three

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1 inches in diameter that was used in the Klystron
 2 amplifier?
 3 A. Yes.
 4 Q. And is it true that the source, Raytheon's
 5 source for that particular window was Ceradyne?
 6 A. They were one of the sources, yes.
 7 Q. Were there other sources for that
 8 particular window?
 9 A. Probably, but I can't remember specifically
 10 who.
 11 Q. Did Brush Wellman ever fail to qualify as a
 12 vendor of three-inch -- approximate three-inch
 13 diameter beryllium oxide windows?
 14 A. I don't know how to answer that question.
 15 Q. Why not?
 16 A. Because of what I did, I would try to
 17 qualify you in everything that I bought.
 18 Q. Okay. Well --
 19 A. I don't remember the specific sizes. I
 20 just know how I operated. You're a BEO supplier.
 21 I want you to supply everything.
 22 Q. But did it sometimes happen that with
 23 respect to particular parts, Brush Wellman would
 24 fail to qualify?

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1 and all commercial business. That's the rating
2 system, and we apply that to all of our vendors.
3 It was then and it's still today.

4 Q. What's a DX rating?

5 A. It's -- it's the second highest priority
6 within the U.S. government for securing components
7 from vendors. The highest is the presidential
8 declaration like what he had in Desert Storm,
9 whereas it's a series of numbers given by the
10 president, and if we had -- and we've had these
11 ratings, and if we had one on this particular part
12 and we placed it with you, we would tell you we
13 want you to stop what you're doing and make this
14 part for the government, and you have to by law do
15 that.

16 Q. What's a DO rating?

17 A. DO is less than a DX.

18 Q. But it still would take priority over a
19 regular commercial product?

20 A. Absolutely. Yes, sir.

21 Q. Who made the determination whether an order
22 is DX or DO or --

23 A. The U.S. government, by contract.

24 Q. In its contract with Raytheon?

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1 A. Could be a contract directly. We could be
2 prime on a contract or we could be sub to a prime.
3 In either case, the government flow downs apply.

4 Q. Were all of Raytheon's purchases from --
5 from Brush Wellman, all of its beryllium oxide
6 purchases, subject to the -- what you called the
7 FAR and the DFAR requirements?

8 A. I would say yes.

9 Q. Because they were all going to be used in
10 government --

11 A. Yes.

12 Q. -- products?

13 A. Mm-hmm.

14 Q. What does FAR stand for?

15 A. Federal Acquisition Requirements.

16 Q. And DFAR?

17 A. Defense Priority Acquisition -- Defense --
18 DFA -- Defense Federal Acquisition Requirement.

19 Q. Okay. Were all of your purchases from
20 Brush Wellman DX or DO rated?

21 A. I can't answer that, sir. You've --
22 (Exhibit 7 marked for identification.)

23 Q. Do you recognize Exhibit 7, sir?

24 A. It's another purchase order from power tube

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1 to Brush Wellman, yes. This is change order number
2 one.

3 Q. The change order and the original order
4 behind it; is that right?

5 A. Yes, sir.

6 Q. This is an order for helix rods?

7 A. Mm-hmm.

8 Q. And on the first -- is your signature on
9 this, by the way?

10 A. Yes, it is, sir. It's on both of them.

11 Q. On the first page, it says beryllia
12 control; the enclosed BEO labels are to be attached
13 to the outside of each package when shipping. Now,
14 was that standard language that Raytheon included
15 in all of its purchase orders for beryllium oxide?

16 A. Very similar to this, yes.

17 Q. And what is the BEO label that's referred
18 to there?

19 A. It was a red label, approximately four
20 inches by three inches from memory, roughly.
21 That's approximate now. It's not like three
22 inches. It's approximate.

23 Q. Okay. What did it say?

24 A. I don't remember, sir.

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1 Q. Did it contain any warning about health
2 hazards?

3 A. Oh, it was an absolute warning. This
4 product contains beryllia or beryllium oxide, or
5 words to that effect. No grinding; maybe a couple
6 of other things it said on that. Very, very
7 specific.

8 Q. Is this a label that Raytheon provided to
9 the vendor?

10 A. Yes, sir.

11 Q. And Raytheon told the vendor you must
12 attach this to the packages that you send to our
13 factory?

14 A. Absolutely.

15 Q. Were the labels attached to the outside of
16 the package when Raytheon received it?

17 A. It was supposed to have been the outside of
18 the package, yes.

19 Q. And so far, was it your experience with
20 Brush Wellman that Brush Wellman did attach the
21 label that Raytheon asked it to attach?

22 MR. MATANOVIC: Object to the form.

23 A. You didn't have a choice, sir. Brush
24 Wellman did not have a choice. They had to do it

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1 that way.
 2 Q. (BY MR. UBERSAX) And Brush Wellman did it?
 3 A. Absolutely. Yes, they did.
 4 Q. At the bottom of the first page it says the
 5 following documents are applicable; non-segregated
 6 facilities, equal opportunity employment. What is
 7 all that about?
 8 A. Standard boilerplate. Non-segregated means
 9 you don't -- okay. Equal opportunity is pretty
 10 much the same thing.
 11 Q. Were those things that the federal
 12 government required Raytheon to include?
 13 A. These were on -- I have to say that those
 14 two were on all of our purchase orders.
 15 Q. If you turn to the second page, please,
 16 toward the bottom, under the heading government
 17 contract provisions, this document says when the
 18 materials or products furnished are for use in
 19 connection with a government contract or
 20 subcontract, in addition to the above provisions,
 21 the following provisions shall apply, and there's a
 22 whole list. Do you see that?
 23 A. Yes, sir.
 24 Q. Were the materials that Raytheon bought

Page 87

1 from Brush Wellman furnished for use in connection
 2 with government contracts?
 3 A. Yes.
 4 Q. All of them?
 5 A. Yes. Because it's beryllia, yes.
 6 (Exhibit 8 marked for identification.)
 7 Q. Do you recognize Exhibit 8, sir?
 8 A. Yes, I do.
 9 Q. What is that?
 10 A. It's another purchase order.
 11 Q. And your signature is on the third page?
 12 A. Yes, it is, sir.
 13 Q. Is this an example of a DO rated order that
 14 was placed to Brush Wellman?
 15 A. Mm-hmm.
 16 Q. And the third page in fact says DO rated
 17 order right on it?
 18 A. Yes, sir.
 19 Q. So in other words, this was an item that
 20 was high priority and was to be used for defense
 21 purpose of some kind?
 22 A. Yes.
 23 Q. According to this purchase order, this --
 24 this was certified for use under DPS regulation

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1 one. Do you know what that means?
 2 A. Where are you, sir? Page one?
 3 Q. No, page three, where it says DO rated
 4 order. Certified for use under DPS regulation one,
 5 do you know what that means?
 6 A. No, I don't, sir.
 7 Q. It goes on to say, you're required to
 8 follow the provisions of DMS reg one. Do you know
 9 what that means?
 10 A. It's -- I don't know what it means other
 11 than it relates to the FAR requirement, Federal
 12 Acquisition Requirement.
 13 Q. It goes on to refer to other applicable
 14 regulations and orders of DIBA. Do you know what
 15 that refers to?
 16 A. No, I don't, sir.
 17 Q. Do you understand that that's some kind of
 18 a federal regulation?
 19 MR. MATANOVIC: Object to the form.
 20 A. It's part of the FAR.
 21 (Exhibit 9 marked for identification.)
 22 Q. (BY MR. UBERSAX) Do you recognize
 23 Exhibit 9, sir?
 24 A. Yes, sir.

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1 Q. And that is your signature on that page?
 2 A. It's another purchase order.
 3 Q. And that is your signature at the bottom?
 4 A. Yes, it is, sir.
 5 Q. And is this an example of a DX rated
 6 order --
 7 A. Correct.
 8 Q. -- that was placed to Brush Wellman?
 9 A. Mm-hmm.
 10 Q. What does DX mean in this context?
 11 A. I don't know what it actually stands for
 12 other than it has a higher rating than DO.
 13 Q. And a higher rating meaning what?
 14 A. It means that if we impose the requirement
 15 on Brush Wellman that this DX rated order would
 16 take precedence over all DO government rated orders
 17 and over all commercial orders, so you would have
 18 to make this before you do the other two.
 19 Q. Is that for a national security reason or
 20 --
 21 A. Could be. Could be, yes.
 22 Q. But not -- the government would tell you
 23 this is DX rated?
 24 A. Yes.

23 (Pages 86 to 89)

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1 know, but I'm not totally sure of that.
 2 Q. Okay. Are any of these three gentlemen
 3 still with Raytheon, to your knowledge?
 4 A. I don't know, sir. Well, Frank Heintz is
 5 retired. I know that for a fact. Ron Kalp, I'm
 6 not sure. He's another one of those young guys.
 7 Joe Hilton left Raytheon. I don't know where he is
 8 now, sir.
 9 Q. Is there anyone who is still with Raytheon
 10 today who during the 1980's was an operations
 11 manager at the Waltham plant?
 12 A. I can't think of anyone, no.
 13 Q. Is there anybody you can think of who had
 14 significant operational responsibilities at the
 15 Waltham plant and -- during the '80's, and is still
 16 around?
 17 A. Within the company or just --
 18 Q. Yeah, within the company --
 19 A. Within the company?
 20 Q. -- to start with.
 21 A. No, I can't, not at that level. There's
 22 still some engineers that I see on occasion in the
 23 buildings, but not at that level, no.
 24 Q. Who is still with the company that you know

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1 who worked at the Waltham plant during the '82 to
 2 1990 period?
 3 A. Um, Bob Poclumbo. We call him Pokey. I'm
 4 sorry; I don't know how to spell his last name.
 5 Poclumbo, Robert Poclumbo. Um, maybe the names
 6 will come to me before I leave today, but that's
 7 the one that I can think of right now.
 8 Q. What was his job in the '80's?
 9 A. He was an engineer.
 10 Q. What kind of an engineer?
 11 A. Tube engineer.
 12 Q. Was he involved in the design of tubes that
 13 were sold to the government?
 14 A. He probably was, yes.
 15 Q. Did Raytheon have in the 1980's purchasing
 16 specifications that applied specifically to
 17 purchases of beryllium oxide?
 18 A. Yes, sir.
 19 (Exhibit 10 marked for identification.)
 20 Q. Do you recognize Exhibit 10, sir?
 21 A. Yes, I do.
 22 Q. Would you tell us what it is, please?
 23 A. I'm sorry, sir?
 24 Q. Can you tell us what it is, please?

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1 A. It's a material spec for BEO.
 2 Q. Is it a Raytheon specification?
 3 A. Yes, it is, sir.
 4 Q. Is this a specification that Raytheon
 5 provided to its vendors of beryllium oxide?
 6 A. I recall specifically 655039, yes.
 7 Q. Were there later versions of this that came
 8 out in the 1980's, or was this the specification
 9 that you used throughout the 1980's?
 10 A. I don't recall, sir.
 11 Q. No? This specification required that your
 12 vendors place a label on the outside of any package
 13 containing beryllium oxide, correct?
 14 A. Yes, sir.
 15 Q. And the language to be contained in the
 16 label is contained on the second page, correct?
 17 A. Page two? I remember some of this, but
 18 there was additional information that was required
 19 on that label; specifically, the purchase order
 20 number, I remember, and part number, if I recall.
 21 Q. Is it correct that under this
 22 specification, every vendor of beryllium oxide
 23 parts to Raytheon was required to put a label on
 24 the package saying contains beryllium oxide?

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1 A. Absolutely. Yes, sir.
 2 Q. And was also required to say do not open
 3 package?
 4 A. Correct?
 5 Q. What was the reason for that?
 6 A. As I said earlier, Raytheon is extremely
 7 concerned about winding up in the newspapers, and I
 8 don't know how else to word it, okay? But that's
 9 bottom line. In my tenure is, what I did, it was
 10 made absolutely clear to me that, without
 11 exception, every vendor will conform to the BEO
 12 requirements; put the label on the box. If they
 13 don't, call them in, show them what they did, okay,
 14 and either they fix it or they don't come back. It
 15 was that cut and dry.
 16 Q. What was Raytheon's reason for wanting the
 17 packages to say do not open the package?
 18 A. We didn't want anybody to open other than
 19 specifically qualified people.
 20 Q. Why was that?
 21 A. It's beryllia.
 22 Q. And therefore --
 23 A. If the product came in dirty, okay, if the
 24 product came in dirty, we didn't want somebody

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1 opening it up and having the particles floating
2 around and breathing them. I mean, it's --

3 Q. Is that because it was dangerous?

4 A. Yes, sir.

5 Q. What was the danger?

6 A. I'm not a technical person, but the bottom
7 line, as I understand it, berylliosis.

8 Q. It's a lung disease?

9 A. It's a lung disease, yes, sir.

10 Q. And you knew about that lung disease back
11 in the '80's?

12 A. Did I?

13 Q. Yes.

14 A. Everybody in our department and everybody
15 within the plant was made aware of that; yes, sir.

16 Q. How were you made aware of that?

17 A. My boss beat me up, if I can say that. I
18 mean, it was -- it was standard operating procedure
19 that, if I was going to place a purchase order for
20 beryllia, that I was made totally aware of what the
21 requirements were, and if I wasn't there, anybody
22 else who was going to place the order would have
23 the same criteria put on them. It was black and
24 white.

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1 Q. Do you recall how you first learned that
2 exposure to beryllia can cause a lung disease?

3 A. Probably one of Bev Shaw's people probably
4 told me.

5 Q. When was that?

6 A. When I first started with the company.

7 Q. Do you recall what you were told?

8 A. Other than what I've said, no. No, that's
9 pretty much it.

10 Q. Were you given anything in writing about
11 the health hazards of beryllium?

12 A. Oh, yes. Yeah, I probably was, and your
13 company used to supply it all the time. I remember
14 throwing away the documents, we used to get so many
15 of them, and you can only keep --

16 Q. What do you remember getting?

17 A. It was part of the sales acknowledgment
18 that would come in from your company. You would
19 acknowledge our purchase order and then there would
20 be some literature or descriptive literature on the
21 product which include, you know, all the hazards of
22 this kind of material. That's what I recall.

23 Q. Did that come with every shipment from
24 Brush Wellman?

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1 A. It came with every -- just about every
2 acknowledgment, from what I remember, yes. Not the
3 shipment; it would be the acknowledgment of the
4 purchase order.

5 Q. Did you receive a material safety data
6 sheet from Brush Wellman with the acknowledgment of
7 the purchase order?

8 A. I would say sometimes it came with the
9 acknowledgment. Lots of times it came with the
10 product inside the box as part of the packing slip.
11 It would be the documents together from your
12 company.

13 Q. In addition to the material safety data
14 sheet, was there any other information about or
15 warning about health risks that came with the
16 actual shipment from Brush Wellman?

17 A. I don't recall.

18 Q. Do you recall whether there was any warning
19 label other than the label that Raytheon required
20 on the outside of the package?

21 A. No, I don't, sir.

22 Q. Is it your recollection that the label that
23 Raytheon provided to its vendors was a red label?

24 A. Yes, sir.

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1 Q. Was there -- do you recall there being any
2 other label that Raytheon used internally once the
3 product had come into the door and was going
4 through the manufacturing process, tag or label?

5 A. The BEO label stayed with the shipment from
6 beginning to end. I remember going into the
7 assembly areas and seeing the warning labels, you
8 know, on the benches, because the boxes used to
9 come with the product inside of it.

10 (Exhibit 11 marked for identification.)

11 Q. Exhibit 10 was -- oh, Exhibit 11 was
12 previously marked as Suzanne Genereux Exhibit 2.
13 Do you see the -- the square label at the bottom of
14 that page?

15 A. Yes, sir.

16 Q. Do you recognize that?

17 A. Yes, sir.

18 Q. What is that?

19 A. That's the BEO label.

20 Q. That's the label that Raytheon gave to its
21 vendors?

22 A. Yes.

23 Q. And you gave it to Brush Wellman?

24 A. Absolutely. Yes, sir.

27 (Pages 102 to 105)

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1 Q. And Brush Wellman attached it to the
2 packages that it sent back to Raytheon?

3 A. Yes, sir.
4 (Exhibit 12 marked for identification.)

5 Q. Do you recognize this document, sir,
6 Exhibit 12?

7 A. Yes, I do, sir.

8 Q. What is it?

9 A. It's policies and precision -- policies and
10 procedures, beryllia control. Now, when I say I've
11 seen this document, it may not be the date of this
12 particular document, but I recall something similar
13 to this, okay? This person that signed it here
14 used to be my manager when I first started.

15 Q. Mr. Ameen?

16 A. Sam Ameen, yes.

17 Q. Well, is this a set of policies and
18 procedures that were in place at Raytheon during
19 the 1982 to 1990 time period?

20 A. I can't answer for the entire period, but I
21 would say for the bulk of 1980. It might have been
22 replaced with something, you know, current, because
23 that's -- well, that's the new logo. No, that's
24 the old logo. They might have changed the logo,

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1 and when they do that, they change the form.

2 Q. But they wouldn't change the substance?

3 A. Well, they may add to it, if anything.

4 Q. In any case, these -- the specific set of
5 policies and procedures that you're looking at
6 became effective in 1981, correct, according to the
7 first page?

8 A. Yes.

9 Q. And as far as you know, remained in effect
10 through the 1980's?

11 A. I would say yes.

12 Q. And again, we see on the second page of
13 this document the requirement that vendors place a
14 label on the outside of each package, correct?

15 A. Yes.

16 Q. Now, if you would turn to the third page,
17 the section in process, Section 5.4.1 says beryllia
18 parts and assemblies containing beryllia at all
19 stages subsequent to issue from stores must carry
20 with it the red beryllia warning tag. And the red
21 beryllia warning tag is depicted on the last page
22 of the document, correct?

23 A. Yes, sir.

24 Q. So is it correct that there was a warning

Page 108

1 tag used internally at the Raytheon plant that was
2 different from the label that the vendor attached?

3 A. You mean -- I guess I have to qualify your
4 question. Are you -- are you saying this was
5 different than the outside packaging label, or were
6 they one and the same?

7 Q. Well, that's what I'm asking you, sir.

8 This document actually specifies the information
9 that's got to go on the outside of the package?

10 A. Mm-hmm. This was on the plastic bag, this
11 -- that you -- that any vendor supplied containing
12 product.

13 MR. MATANOVIC: You're referring to
14 page two of this document?

15 Q. (BY MR. UBERSAX) Page two?

16 A. I'm sorry?

17 MR. MATANOVIC: Are you referring to
18 page two of this document?

19 A. Page two of five, yes.

20 Q. (BY MR. UBERSAX) Okay. So but --

21 A. In addition to this.

22 Q. Before we go on --

23 A. Sorry.

24 Q. What was -- the label that's on page two of

Page 109

1 this document was placed where?

2 A. On the -- the wrapping of the ceramic, the
3 plastic bag.

4 Q. All right. Now, what -- where did the red
5 beryllia warning tag go that is -- that is depicted
6 on the last page of this document? How was that
7 used?

8 A. I don't recognize that, okay, on this -- on
9 page five of five. What I recall seeing was two
10 labels, okay? The plastic bag had its label that
11 you guys put on, all right? The outside box had
12 the red label that you put on because we gave you
13 the red label, and that box followed the product
14 through the process. We didn't throw away the
15 boxes.

16 Q. All right. So was the red label also
17 provided by Raytheon to the vendors?

18 A. Yes.

19 Q. And did the red label say the things that
20 this tag says on the last page of Exhibit 12?

21 A. I don't recognize that, sir. This does not
22 ring a bell with me at all.

23 Q. What about the language? Contains
24 beryllia. Do not sandblast, grind, machine or

Page 110

1 abrade. Dust and fumes are toxic. Is that
2 language the language that was used in the red
3 labels that you gave to the suppliers?

4 A. No. Well, you just showed us an example of
5 the red label, which is this, Exhibit 11, bottom of
6 the page. That's the language on the red label.
7 This is the language, page two of five on
8 Exhibit 12, of the label that was on the plastic
9 bag. I have no idea what this is on page five.

10 Q. Under Raytheon's policy, Section 5.4.1,
11 beryllia parts and assemblies containing beryllia
12 at all stages subsequent to issue from stores were
13 supposed to carry with them the red beryllia
14 warning tag, correct?

15 A. Mm-hmm. Yes.

16 Q. And that red beryllia warning tag is the
17 red beryllia warning tag on the last page of this
18 document, correct?

19 A. I read that, sir, but I don't recognize
20 that shape of the red beryllia tag.

21 Q. Well, are you -- is it -- are you saying
22 that Raytheon did not follow Section 5.4.1 of this
23 policy?

24 MR. JACOBS: Objection to form.

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1 A. No, no. I'm not saying that at all.

2 Q. (BY MR. UBERSAX) You never saw a red
3 beryllia warning tag like the one on the last page
4 of this document?

5 A. In that shape with the scallops over the
6 top?

7 Q. No.

8 A. No, sir.

9 Q. You never saw a tag that contained that
10 language?

11 A. I don't recall, sir, about do not
12 sandblast, grind, machine or abrade.

13 Q. You never saw that language?

14 A. I don't recall.

15 Q. Did you ever see a red tag that said --

16 A. Not with scallops on it, sir.

17 Q. Well, listen, I don't care about the
18 scallops. I'm asking you about the language now.
19 Did you ever see a red tag anywhere at Raytheon
20 saying dust and fumes are toxic with reference to
21 beryllia?

22 A. On a tag?

23 Q. On a tag.

24 A. I don't recall, sir, no.

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1 Q. Did you ever see a red tag that said do not
2 sandblast, grind, machine or abrade?

3 A. I do not recall.

4 Q. The only red tag that you recall is a tag
5 saying caution, parts containing beryllium oxide,
6 do not open package, correct?

7 A. Yes, this red tag here.

8 Q. Section 5.4.1 of this policy talks about a
9 precautionary label as outlined in General Policies
10 and Procedures File Code 37 3065 131. Do you have
11 any idea what that is?

12 A. I probably did at the time, but I don't
13 know what that is now.

14 Q. Section 5.4.2 says that operation sheets
15 prepared on parts and assemblies containing
16 beryllia shall contain statements on the correct
17 handling of beryllia. What is an operation sheet?

18 A. It's a -- it's part of the flow process of
19 making assemblies within that division of Raytheon.
20 It was just documentation.

21 Q. Okay. Did you ever see an operation sheet
22 for a -- an assembly that contained beryllia parts?

23 A. I'm sure I did, sir, yes.

24 Q. Do you recall what type of assembly?

Page 113

1 A. Could have been a window assembly; could
2 have been any number of assemblies.

3 Q. What did the operation sheet say about the
4 correct handling of beryllia?

5 A. I don't recall the words on that, sir.

6 Q. Did it identify any of the health risks of
7 exposure to beryllia?

8 A. I don't recall.

9 Q. Are you aware of any steps that Raytheon
10 took during the 1982 to 1990 period to protect
11 workers from the health risks of exposure to
12 beryllium?

13 A. I can only speak for myself and my own
14 department. It was made very, very clear -- in
15 purchasing, it was made very, very clear to me of
16 what the hazards of beryllia are, and it was also
17 made very, very clear to me that whatever I do has
18 to be to policy and procedure. There were no
19 doubts whatsoever.

20 Q. Did you ever personally have to do anything
21 to protect yourself from exposure to airborne
22 beryllium?

23 A. No, sir.

24 Q. Did you observe any sandblasting operations

29 (Pages 110 to 113)

1 where beryllium oxide parts were being sandblasted?

2 A. Never.

3 Q. Did you ever hear about such an operation?

4 A. Never.

5 Q. Did you ever hear of a rule or policy at
6 Raytheon against the sandblasting of beryllium
7 oxide parts?

8 A. The rule that I heard concerning beryllia
9 was that we don't touch it. We braze to it. We
10 braze an assembly to it. We don't grind it. We'll
11 clean it, wash it in alcohol, and that's all we do.
12 We don't -- we don't deform the product at all.
13 That was the input that was given to me by all of
14 our technical people.

15 Q. What was the reason for that?

16 A. The particles of dust, again, you know, the
17 particles floating in the air and whatnot. We
18 didn't do any of that.

19 Q. Because of the health risks?

20 A. Yes, of course.

21 Q. Do you recall whether Raytheon employees
22 who handled beryllium oxide were ever required to
23 wear respirators?

24 A. No, sir.

1 Q. Do you know whether they were required to
2 wear special clothing?

3 A. Yes, sir.

4 Q. What do you remember about that?

5 A. Clean room, clean room garments, rubber
6 gloves. The assemblies that we made with beryllia
7 and a lot of the other assemblies were what they
8 classified had to be manufactured in a clean room
9 environment; very little dust, preferably no dust.
10 Certain kinds of papers were allowed. Certain
11 kinds of pens were allowed, things like that.
12 Clean room; just strictly a clean room. It's part
13 of the electronic industry standards; hair nets,
14 beards, you know, masks, things for your face and
15 things like that.

16 Q. Did Raytheon require any periodic medical
17 tests of employees who worked with beryllium oxide?

18 A. I don't know, sir.

19 Q. Those -- those labels that you required
20 your vendors to use, did the government in turn
21 require you to impose that requirement on your
22 vendors?

23 A. I -- I can't answer that with any qualified
24 statement other than you just use your common

1 sense, that if it's a requirement, you flow it down
2 to everything as an overkill.

3 Q. What do you mean by that?

4 A. The red label was there for a very specific
5 reason. It was a caution to everybody. It started
6 at the receiving dock and it ended at the final
7 assembly. Those red labels were all over the
8 building, okay, all over the assembly areas. If
9 you didn't see it, you know, there was something
10 wrong with you. They were there.

11 Q. When the -- when the red label originally
12 came to Raytheon, is it correct that it was on the
13 outside of a plastic bag or wrapping that contained
14 the beryllium parts, beryllium oxide parts?

15 MR. JACOBS: Objection.

16 A. I don't know that, sir. That's -- I don't
17 recall that. My instructions to the vendor were
18 they put them on the outside box.

19 Q. (BY MR. UBERSAX) The outside of the box?

20 A. The box, yes, sir.

21 Q. And when you opened the box, what would be
22 inside the box?

23 A. Packing material, some kind of a plastic
24 bag, okay, with product identification, very

1 similar to that label in one of the exhibits that
2 you gave to me, this thing here. I believe you had
3 something very similar to that.

4 Q. You're pointing to --

5 MR. JACOBS: Exhibit 12, page two.

6 A. That's the -- yeah.

7 Q. (BY MR. UBERSAX) So that would actually --

8 A. That -- yeah. That would be on the plastic
9 bag, plus, most of what I remember also, there was
10 another sticker on there that also identified the
11 part number that was in the plastic bag and the
12 quantity, the rev level.

13 Q. All right. Well, now I'm confused. Let's
14 make sure the record is really clear about this.
15 The -- let's go back to Exhibit 11. Exhibit 11 has
16 the warning, that warning label on it. And is it
17 your testimony that that label was red?

18 A. Yes, sir.

19 Q. And was that something that the vendor put
20 on the box that it sent to Raytheon?

21 A. On the box.

22 Q. On the outside of the box?

23 A. On the outside of the box.

24 Q. Okay. Was there in addition to that some

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1 other label that Raytheon required its vendors to
 2 put on the -- the plastic wrapping or plastic bag
 3 that was inside the box?
 4 A. Yes, sir.
 5 Q. What did that label say?
 6 A. It was very similar to this label on
 7 Exhibit 12, two of five.
 8 Q. Isn't that the same as Exhibit 11?
 9 A. No, it's not, sir.
 10 Q. Okay. What's the difference?
 11 A. There's no purchase order number. There's
 12 no part number. There's no quantity.
 13 Q. The warning language is the same?
 14 A. Yes. Oh, yeah, the warning language is the
 15 same, sir.
 16 Q. What -- what color was the label that was
 17 inside the box?
 18 A. It wasn't red.
 19 Q. Now, what happened to that red label after
 20 the box was opened?
 21 A. It stayed with the product.
 22 Q. How did it do that?
 23 A. It went into storage -- well, it was
 24 inspected. If it passed, it was put back in the

1 employees how to work with beryllium oxide?
 2 A. I can't answer that either, sir.
 3 Q. Who was responsible for training employees
 4 during the 1982 to 1990 period in the handling of
 5 beryllium oxide?
 6 A. I can't speak for anything other than
 7 purchasing. Within our own department, it was just
 8 drilled into all of us; this is what you're going
 9 to do.
 10 Q. Who drilled it into you?
 11 A. My managers, and then eventually, I had to
 12 do the same to -- when the roles reversed.
 13 Q. When you were drilling it into others, how
 14 did you do that?
 15 A. Usually in just a general meeting. It
 16 wasn't a specific buyer of ceramic; it was the
 17 entire department.
 18 Q. Sure. And what would you say at these
 19 meetings?
 20 A. A lot of different things. Are you talking
 21 beryllia in particular?
 22 Q. Yes.
 23 A. Okay. I warned them, like I was warned, of
 24 the hazards of beryllia; also warned them to be

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1 cardboard box, put on the outgoing inspection shelf
 2 to be picked up and put into storage in the box.
 3 Q. Apart from the -- the label that was marked
 4 as Exhibit 11 and the one that appears in the
 5 second page of Exhibit 12, is there any other label
 6 or tag that was put on the beryllium oxide parts at
 7 your Waltham plant?
 8 A. I recall this language being on the plastic
 9 bag inside the box, and I also recall a sticker
 10 just identifying what was in the plastic bag by
 11 part number, by revision level, by quantity and by
 12 purchase order. There might have been other data
 13 on that tag. Your company was instructed to do
 14 that. I mean, that's just to identify the product.
 15 Q. Did Raytheon attach any other tag or label
 16 to the parts after they came into the factory?
 17 A. I don't know that, sir.
 18 Q. Did Raytheon get any instruction or
 19 direction from the -- from the government people at
 20 the plant about how Raytheon should train its
 21 employees to handle beryllium?
 22 A. I can't answer that, sir.
 23 Q. Were any of those -- the government workers
 24 at the plant involved in training Raytheon

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1 diligent that when they walk in the factory, okay,
 2 and we all did that, because of what we did, that
 3 if they -- if they knowingly knew that beryllia was
 4 there but not properly labeled, they had to
 5 immediately do something about it, okay, either
 6 come back and see me or come back and go see the
 7 vice president. It didn't make any difference who
 8 it was; you had to tell somebody. That was -- that
 9 was part of what we did.
 10 Q. What did you tell your people about the
 11 health risks of exposure to airborne beryllia?
 12 A. Being a non-technical person, pretty much
 13 what I just told you earlier, is that you don't
 14 grind it, you don't have particles and you don't
 15 want to breathe it.
 16 Q. Because of what?
 17 A. Because of berylliosis.
 18 Q. Did you tell them what berylliosis can --
 19 can do to a person?
 20 A. Well, yes. It's death.
 21 Q. Did you attend any meetings at which Brush
 22 Wellman employees made any kind of presentations
 23 about the health risks of beryllium or beryllium
 24 oxide?

31 (Pages 118 to 121)

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1 A. No, sir.

2 Q. Do you recall seeing any written materials
3 or literature that Brush Wellman provided about the
4 health hazards of beryllium?

5 A. Yes.

6 Q. What do you recall?

7 A. What I said earlier; it came in with the --
8 your sales orders. There were data sheets on your
9 product. It was also in all of your catalogues.

10 Q. Those are material safety data sheets?

11 A. I don't know if you can call them that, but
12 I remember seeing them in your brochures about the
13 hazards of beryllia.

14 Q. Did you get information from other
15 suppliers of beryllium oxide about the health
16 hazards of exposure?

17 A. Yes, sir.

18 Q. What do you recall?

19 A. Same as your company.

20 Q. More material safety data sheets?

21 A. Absolutely.

22 Q. Do you remember a gentleman named George
23 Smith?

24 A. Yes, I do.

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1 Q. What was his -- did he work at Raytheon?

2 A. Yes, he did.

3 Q. What was his job?

4 A. Um, I don't recall what his title was, but
5 he was one of the resident experts on assemblies of
6 traveling wave tubes, TWT's, BWO's, any of those
7 product lines of Raytheon.

8 Q. Do you know where he is today?

9 A. No, I don't, sir.

10 Q. Do you know whether he still works for the
11 company?

12 A. I don't know when we sold Litton. Back in
13 roughly '93, um, that was pretty much the last
14 we've seen of George Smith; when we sold the
15 traveling wave tube business to Litton, that is.

16 Q. We don't need to mark this. It's already
17 been marked as Suzanne Genereux 11. This document
18 refers to M dash BWO contract, and then there's a
19 contract number. Does that mean anything to you,
20 that designation?

21 A. The BWO? That's backward wave oscillator.
22 The M, probably military, but I'm not really sure
23 if that's what it would stand for.

24 Q. Is that the -- is that the number of a

1 contract between Raytheon and the U.S. government?

2 A. It could be a government contract number,
3 yes.

4 Q. All right. Is there any way to determine
5 whether that's a government contract or not from
6 looking at the numbers?

7 A. I would -- without looking in a database, I
8 would say this is a government contract to Raytheon
9 in 1986.

10 Q. Why do you say that?

11 A. Because of the 86. That's typically how
12 they do it.

13 Q. Does the F prefix mean anything, F09603?

14 A. It probably does, but I don't know quite
15 what it is. It's usually related to the Armed
16 Services in one fashion or another. I don't know
17 what F would -- you know, it's -- I'm not sure if
18 it's Air Force or military or Army or whatnot.

19 Q. Who would have knowledge of the details of
20 that contract?

21 A. Anyone within the contracts of Raytheon.

22 Q. Who was in charge of that function during
23 the -- during the --

24 A. The '80's?

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1 Q. -- the '82 to '90's period?

2 A. I can see him, sir, but I can't remember
3 his name, and he's since passed away, but his
4 predecessor is with the company now.

5 Q. Who is that?

6 A. I just had it. He's a vice president of
7 IDS division. Beyond that --

8 Q. I don't mean to test your memory. If you
9 can perhaps give Mr. Jacobs the name, he'll tell
10 us.

11 A. Yeah, I'll give it to you. I just had it a
12 second ago and it just went away like that. You
13 young folks don't know what that's like yet, but
14 that's coming.

15 Q. No, I understand. Is it true --

16 A. Paul -- Paul Hosepian.

17 Q. What was that?

18 A. Paul Hosepian.

19 Q. How do you spell that?

20 A. Guess, H-O-S-E-P-I-A-N. He took over from
21 that gentleman that I can't recall his name when he
22 passed away, but he is very, very active now within
23 Raytheon.

24 (Exhibit 13 marked for identification.)

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1 the assembly floors?

2 A. I don't follow the question.

3 Q. Well, the way I understand it, the way that
4 I think you described it, it's your understanding
5 that the original box with that original label
6 would stay with the product all the way through the
7 process?

8 A. Correct.

9 Q. So it's your understanding that it would --
10 that that box would go from the inspection station
11 and then eventually make its way up to the assembly
12 floor?

13 A. Yes, sir.

14 Q. If the bag and that box had a hundred
15 beryllium oxide parts in it, were those parts
16 further separated outside of the box, to your
17 knowledge?

18 A. I can't answer that totally. I would -- I
19 would say that if the requirement was for 50 of the
20 hundred, it might have been broken down,
21 repackaged, relabeled and put back into storage.

22 Q. Did you ever observe anyone working out of
23 part trays up on the floors?

24 A. Yes.

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1 Q. The assembly floors?

2 A. Sure.

3 Q. Did you ever observe anyone working on
4 beryllium oxide parts out of part trays on the
5 floors?

6 A. Sure.

7 Q. How did Raytheon ensure that there were
8 warning labels on those trays that people were
9 working out of?

10 A. The red label went with it. You know, it
11 was -- the tray was here, as I recall it, the empty
12 box was here with a red label. You could pick out
13 beryllia anywhere in that assembly line, regardless
14 of what assembly line, and we had multiple assembly
15 lines, just from the labels. And then also, the
16 flow sheets would identify the product, you know,
17 as --

18 Q. I'm just asking about the labels now. Did
19 Raytheon have extra labels that they would put in
20 with parts that --

21 A. Oh, yeah.

22 Q. -- maybe had been divided up out of the
23 original packaging?

24 A. We were good on labels, sir.

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1 Q. Okay. For all the reasons you described?

2 A. Yes.

3 Q. All the dangers of beryllium?

4 MR. MATANOVIC: Object to the form.

5 A. Absolutely.

6 Q. (BY MR. AHERN) As the parts were received
7 from the vendors, the beryllium oxide parts, you
8 also required some type of an identification label
9 which referenced a part number? Is that part of
10 your --

11 A. Yeah.

12 Q. -- requirement?

13 A. Mm-hmm.

14 Q. And is it true that the beryllium
15 manufacturers would also provide additional warning
16 information with their product beyond just the
17 Raytheon label?

18 A. I can't recall that I seen that with
19 everybody, but I have seen it when I looked at the
20 product in some cases.

21 Q. Okay.

22 A. Okay?

23 Q. And sometimes you had so much information
24 about the beryllium that you'd throw it away

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1 because you already knew about the problems,
2 correct?

3 A. Yes.

4 Q. Do you remember one way or another if
5 American Beryllia provided additional warnings with
6 any materials that they provided to Raytheon?

7 A. Not really, because we didn't do, at least
8 from my time, a lot of license business with
9 American Beryllium. It just doesn't stick out.

10 Q. Do you remember ever ordering any of those
11 large three-inch or greater windows from American
12 Beryllia?

13 A. I can't say for sure, but I would probably
14 say that I did, but I don't -- I don't recall
15 specifically that I gave your company an order for
16 one hundred windows.

17 Q. Well, when you say that you probably did,
18 are you just guessing?

19 A. Yeah, I understand.

20 Q. You are guessing?

21 A. No, I'm not guessing. No.

22 Q. Okay. How -- looking at the documents that
23 have been provided -- let me ask it this way. What
24 documents at Raytheon would allow us to track a

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1 A. Um, yes, I do, but I can't think of it
2 right now, because I used to go by his house on the
3 way to work. Dover. Dover, Massachusetts.

4 Q. Okay. That's all I have. Thanks.

5 CROSS-EXAMINATION

6 Q. (BY MS. LINDEMANN) Mr. Chartier, my name
7 is Frances Lindemann, and I represent Hardric
8 Laboratories, and I'm wondering if during the years
9 1928 and 1990 you purchased anything from Hardric
10 Laboratories.

11 A. I don't really recall that company name.
12 Were you in Massachusetts? Was Hardric Labs in
13 Massachusetts?

14 Q. Um, I don't think we need -- just answer my
15 questions yes or no. Sorry.

16 A. Oh, okay.

17 Q. If that name doesn't ring a bell to you --

18 A. No, it doesn't ring a bell.

19 Q. I'm going to reserve any other questions
20 until after the plaintiffs have finished theirs.
21 Thank you, sir.

22 CROSS-EXAMINATION

23 Q. (BY MR. MATANOVIC) Good afternoon, sir.
24 We met earlier this morning, but I will reintroduce

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1 or whatever. I would always do that.

2 Q. How else would you acquire new vendors?

3 A. Vendors would call on us.

4 Q. Cold call?

5 A. Cold call coming in, yeah, or I seen some
6 article in some trade magazine.

7 Q. We talked a little bit about the process of
8 your putting out bids for materials?

9 A. Mm-hmm.

10 Q. What materials specifically did you supply
11 to the vendors to whom you were issuing a request
12 for bids?

13 A. Um, always the specification drawing.

14 Q. The Raytheon drawing?

15 A. The Raytheon drawing, okay? And I tried to
16 make sure that I supplied all the items listed on
17 the drawing, all the documents listed on the
18 drawing. If there was a policy and procedure
19 there, I tried to give that to the vendor.
20 However, it was made very clear to the vendor that
21 if I forgot to give it to them, it's their
22 responsibility to come back to us and ask for it,
23 okay, and if they don't ask for it, the presumption
24 is that they have it.

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1 myself for the record. My name is Stephan
2 Matanovic. I represent the Genereux family in this
3 action. Do you need a break for any reason at all
4 --

5 A. No.

6 Q. -- or are you ready to proceed? Okay. I
7 want to talk a little bit about the process by
8 which a supplier with whom you've not done business
9 in the past seeks your business. How does that
10 happen? Does a salesperson approach you? How did
11 that happen when you were a buyer for Raytheon in
12 the '80's and early '90's?

13 A. It happens several different ways. One is
14 a referral.

15 Q. From another vendor?

16 A. From -- not necessarily another vendor, but
17 from one of our technical types saying that they
18 went somewhere and they seen this particular vendor
19 and they liked what they seen.

20 Q. Sort of in a trade show kind of setting or
21 something like that?

22 A. Could be, yes.

23 Q. Okay.

24 A. And can you include them on your next bid

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1 Q. Is that what you meant when you were
2 answering Mr. Ahern's question a little while ago
3 about the policy in the, uh, Exhibit 12, I believe
4 it was?

5 A. Yeah, mm-hmm.

6 Q. As a purchaser for Raytheon, did you only
7 purchase for the Waltham plant, or did you purchase
8 for other facilities as well?

9 A. I purchased for other facilities, yes.

10 Q. What other facilities did you purchase for?

11 A. The Northborough facility and the Quincy
12 facility.

13 Q. Did you do any purchasing for Sudbury?

14 A. I'm in Sudbury now, but not back then, no,
15 sir.

16 Q. When did you move to Sudbury?

17 A. 1996.

18 Q. Prior to that, you did not do any
19 purchasing for Sudbury; is that correct?

20 A. No, sir. They had their own buyers.
21 (Exhibit 17 marked for identification.)

22 Q. Please take a look at what the court
23 reporter's marked as Exhibit 17. Sir, have you had
24 the opportunity to look at and review --

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1 for speculation.

2 A. With -- again, if that were the scenario,
3 the buyer would have to get concurrent approval
4 from engineering and quality. It would not be our
5 choice to say we want to try to requalify somebody.
6 It's not us.

7 Q. (BY MR. MATANOVIC) Was there any
8 prohibition on seeking such a requalification, a
9 stated company policy that prohibited you from
10 trying that?

11 A. No, unless it was a contractual thing.

12 Q. Sure. Do you yourself ever do any
13 purchasing of beryllium metal? Not beryllium
14 ceramic, in other words; soft beryllium metal in
15 its various forms?

16 A. No, sir.

17 Q. Do you know who at Raytheon's Waltham plant
18 in the early '80's was in charge of that
19 purchasing?

20 A. We had a raw material buyer who sat in back
21 of me who would place nothing but orders for
22 metals, any and all kinds of metals used in our
23 process.

24 Q. Did you have any oversight over that

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1 person's job duties?

2 A. Not when I first came there, no.

3 Q. You did at some point come to have
4 oversight over him?

5 A. Well, he -- I believe he became ill and
6 either passed away or he left, and then there was
7 another buyer that took over his responsibilities
8 for that commodity.

9 Q. And when you became purchasing manager, you
10 had oversight over that person?

11 A. Yes.

12 Q. Do you remember that person's name?

13 A. Bruce Boulter.

14 Q. Bolter, B-O-L-T-E-R?

15 A. B-O-U-L-T-E-R.

16 Q. How long did Bruce Boulter serve in the
17 capacity of a purchaser for raw materials at
18 Raytheon?

19 A. Probably four or five years.

20 Q. Until sometime in the late 1980's?

21 A. When they broke it apart, when they --

22 Q. Oh, so he stopped doing that when the
23 corporate structure was dissolved?

24 A. Yeah, right. Mm-hmm.

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1 Q. Sitting here today, do you recall the names
2 of any vendors from whom beryllium metal was
3 purchased?

4 A. No, I don't.

5 (Exhibit 18 marked for identification.)

6 Q. Sir, I've put in front of you what has been
7 marked as Exhibit 18. I assume you've probably
8 never seen that before; is that correct?

9 A. I don't recall this, no, even though it's
10 got my name on it.

11 Q. I represent to you this is a Brush Wellman
12 document, and as you notice, your name is on there;
13 is that correct?

14 A. Yes, it is.

15 Q. Do you know what this document pertains to?

16 A. No, I don't. I see the name Hardric and --

17 Q. You see the name Hardric in relation to
18 beryllium rings, correct?

19 A. I see the name Hardric, yes.

20 Q. And the first sentence of this document
21 reads this Raytheon division uses beryllium rings
22 machined by Hardric for electron emitter rings in
23 power tubes. Isn't that what it says?

24 A. That's what it says. I don't know what it

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1 means, but that's what it says. I don't know what
2 an emitter ring is.

3 Q. Do you ever recall having a meeting with a
4 representative from Brush Wellman regarding emitter
5 rings manufactured from beryllium machined by
6 Hardric?

7 A. No, sir.

8 Q. Does this document refresh your
9 recollection as to whether or not Raytheon
10 purchased beryllium materials from Hardric?

11 A. No.

12 Q. Does this document refresh your
13 recollection as to whether Raytheon purchased raw
14 materials, raw beryllium materials, from Hardric,
15 or any other vendor, for that matter?

16 A. Raw beryllium?

17 Q. Yes, beryllium metal.

18 A. No, it does not.

19 Q. Drawing your attention to the second
20 paragraph of this document, it refers to Hardric's
21 financial problems. Do you know what that's
22 referring to?

23 A. Frankly, I don't remember the name Hardric.
24 It just does not ring a bell. Maybe when I leave

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1 here, tomorrow morning it will pop into my mind,
2 but right now I just --

3 Q. Certainly, if that's the case, I hope you
4 will advise your lawyer and then he will let us
5 know. So it's safe to say you have no recollection
6 of Raytheon trying to find other sources for parts
7 other than Hardric?

8 A. No.
9 (Exhibit 19 marked for identification.)
10 Q. Sir, have you seen these documents before?

11 A. No. I don't recall seeing those before,
12 no.

13 Q. Do you know what they are?

14 A. It looks like it's an invoice from Brush
15 Wellman to Raytheon for drop shipped materials to
16 this Hardric Labs in Waltham, Mass., beryllium
17 tube.

18 Q. In your experience as a purchaser and later
19 purchasing manager for Raytheon, did -- do you know
20 of any instance in which Raytheon purchased
21 materials for drop shipment to a secondary
22 processor or alternative finisher such as Hardric
23 in this case?

24 MS. LINDEMANN: Objection.

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1 MR. WYMAN: Objection to the
2 characterization.

3 Q. (BY MR. MATANOVIC) Who at Waltham would
4 know or who at Raytheon at this point would know --
5 would have knowledge of the purchases by Raytheon
6 of materials finished or machined at Hardric?

7 A. I don't know that there's anybody left that
8 would know.

9 Q. Do you know if records exist at Raytheon
10 with regard to these purchases?

11 A. No. Those are gone.

12 Q. Are these the materials that you were
13 talking about that were -- that get destroyed on a
14 periodic basis?

15 A. Well, there's a record retention policy
16 that we had that every seven years, everything is
17 discarded, but over and above that, the businesses
18 themselves were sold off and all documents that were
19 -- were available were -- went with the business.

20 Q. So we would have to follow the chain of
21 those documents to find more information --

22 A. Yeah.

23 Q. -- other than those purchase orders?

24 A. Yeah. I wish I could help you on this. I

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1 A. Yes.

2 Q. (BY MR. MATANOVIC) What instances do you
3 have knowledge of?

4 A. The Ferro Ceramic Grinding that I mentioned
5 this morning, we would buy the match sticks, okay,
6 from Brush, and then we in turn would look at them
7 and then ship them to Ferro Ceramic Grinding to use
8 that very, very specialized piece of
9 government-furnished equipment that they had in
10 their site to finish these sticks for Raytheon.

11 Q. Sir, Exhibit 19 is -- appears to be --
12 appears to be 12 purchase orders billed to Raytheon
13 in Waltham and shipped to Hardric. Does this
14 document or do these documents refresh your
15 recollection as to whether Raytheon purchased
16 materials or products from Hardric or used Hardric
17 as an intermediate?

18 A. They must have done something, okay, but I
19 don't recall what it was. I have no idea.
20 Beryllium? I just don't know beryllium under that
21 definition. This is a metal?

22 Q. It's a metal that is the component of
23 beryllium ceramic.

24 A. I don't know what that is.

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1 don't recall this at all. I have no idea what that
2 is.

3 Q. Do you have any reason to believe that
4 Raytheon didn't buy materials from Hardric?

5 MS. LINDEMANN: Objection.

6 A. I don't know how to answer that. Let me
7 answer it the way I think. Just looking at this,
8 is it possible, and I'm just guessing now, that we
9 purchased material, whatever this stuff is, from
10 Brush Wellman --

11 MR. JACOBS: I don't think anyone wants
12 you to guess.

13 A. Okay. All right.

14 Q. (BY MR. MATANOVIC) I don't think you
15 answered my last question, sir. Is there any
16 reason that you have to believe that you didn't --
17 Raytheon didn't purchase the materials from Brush
18 Wellman for finishing at Hardric and use at
19 Raytheon?

20 MS. LINDEMANN: Objection. Assuming,
21 foundation.

22 Q. (BY MR. MATANOVIC) You may answer your
23 question.

24 A. I don't know what this is.

49 (Pages 190 to 193)

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1 A. Maybe starting in 1988.
 2 Q. And does Carolyn McDonald still work at
 3 Raytheon?
 4 A. Yes, she does.
 5 Q. Where does she work now?
 6 A. She's in our Marlborough location.
 7 Q. Do you know what department she's in?
 8 A. She's in purchasing; supply chain, as they
 9 call it today.
 10 Q. Does she report to you?
 11 A. No, sir. Different division completely.
 12 Q. Okay. I'm going to ask another couple of
 13 questions about this red tag at great risk. When
 14 you would walk out on the assembly floors and you'd
 15 see the red tags, would you take the time to go
 16 over and actually read what was on the tags?
 17 A. No, sir.
 18 Q. And that's because in your mind, a red tag
 19 meant beryllium-containing product, right?
 20 MR. MATANOVIC: Object to the form.
 21 A. Yes.
 22 Q. (BY MR. AHERN) Were the red tags limited
 23 to just beryllium oxide ceramics?
 24 A. From recollection, yes.

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1 Q. Okay. So if in fact Raytheon used the same
 2 color red, but different language on the tags, you
 3 wouldn't know because you wouldn't go over to read
 4 to make sure that it matched the language on the
 5 tag that you required all of the vendors to provide
 6 on the outside of the package, right?
 7 A. In that scenario, yes.
 8 Q. Okay. Thanks.
 9 CROSS-EXAMINATION
 10 Q. (BY MR. MATANOVIC) One quick question,
 11 sir. I asked you questions earlier about beryllium
 12 metal, not beryllium ceramic. Do you know if
 13 beryllium metal products in the plant carried a red
 14 tag?
 15 A. For some reason, I've got a mental block
 16 completely on beryllium and Hardric Lab. I just
 17 don't recall anything at all with that product.
 18 Q. I'm not asking about Hardric Labs
 19 specifically, but do you know if beryllium metal
 20 products carried a red tag --
 21 A. I would say from where I sit -- sorry.
 22 Q. Just let me finish my question for the
 23 clarity of the record, sir. I don't mean to cut
 24 you off. Do you know if beryllium metal products

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1 in the Waltham plant carried a red tag throughout
 2 the process?
 3 A. Yes.
 4 Q. You do know?
 5 A. Well, I -- I guess I have to say yes based
 6 on if it's beryllium, the requirement is that it
 7 must be tagged by the supplier. We, Raytheon,
 8 would supply the tag and it must be tagged. That's
 9 the instructions I gave to my whole department.
 10 Q. And then I'll ask you specifically about
 11 Hardric products. Do you have any recollection of
 12 Hardric products being tagged --
 13 A. No.
 14 Q. -- throughout the process?
 15 A. No.
 16 Q. I have nothing further.
 17 MR. UBERSAX: I guess we're done.
 18 VIDEO OPERATOR: This marks the end of
 19 videotape number three in the Deposition of John A.
 20 Chartier. We're going off the record. The time is
 21 3:17.
 22 (Off the record.)
 23 (Whereupon the deposition was adjourned
 24 at 3:17 p.m.)

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1 COMMONWEALTH OF MASSACHUSETTS
 2 MIDDLESEX, ss.
 3
 4 I, Marianne R. Wharram, Certified Shorthand
 5 Reporter, Registered Professional Reporter and
 6 Notary Public in and for the Commonwealth of
 7 Massachusetts, do hereby certify that
 8 JOHN A. CHARTIER, the witness whose deposition is
 9 hereinbefore set forth, was duly identified and
 10 sworn by me and that such deposition is a true
 11 record of the testimony given by the witness.
 12 I further certify that I am neither related to
 13 or employed by any of the parties in this action,
 14 nor am I financially interested in the outcome of
 15 this action.
 16 In witness hereof, I have hereunto set my hand
 17 this fifth day of May, 2006.
 18
 19 _____
 20 Marianne R. Wharram, CSR/RPR
 21 Notary Public
 22 CSR No. 1426S96
 23 My commission expires:
 24 August 7, 2009

57 (Pages 222 to 225)

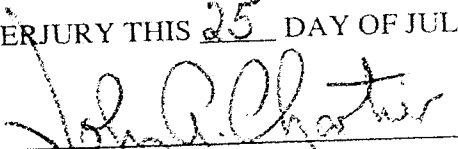
ERRATA SHEET

I, JOHN A. CHARTIER, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony (with the exception of the following corrections listed below) :

| Page | Line | Description |
|------|-------|---|
| 10 | 9 | 67 Glaude Lane |
| 11 | 13 | Approximately two years, so roughly '84. |
| 33 | 8 | The incoming inspection Manager would call in the material |
| 33 | 15 | alumina or beryllia product. |
| 34 | 3 | the alumina or beryllia |
| 36 | 8 | Change "beryllium to "beryllia" material. |
| 36 | 19-20 | That's primarily what we did as I recall. |
| 38 | 7-8 | Replace "assembly facility" with "defense contractor." |
| 43 | 5 | Delete "Kadco," which I now recall did not deal with beryllia, only with alumina. |
| 43 | 7 | Delete entire line. |
| 45 | 6-7 | Do not remember what the specific sizes were, but also do not recall any that were larger than an inch. |
| 46 | 18-20 | Remove sentence with reference to Kadco, which I now recall did not deal with beryllia. |
| 47 | 8 | Delete "and Beryllia" |
| 47 | 23 | Remove sentence with reference to Kadco, which I now recall did not deal with beryllia. |
| 57 | 8-9 | Delete references to "inspected" |
| 65 | 3 | Get "your" credit |
| 91 | 2-3 | Replace "sales" with "contracts" |
| 93 | 3 | Substitute "contracts department" for "engineering" |
| 95 | 22 | Change to "I don't recall." |
| 141 | 8 | Delete "license" |
| 141 | 13-21 | Change to "I don't recall" |
| 157 | 9 | Delete "To a" |
| 157 | 15 | would flow down the requirements to you. |
| 161 | 2 | Delete "but, I probably did." |
| 161 | 21 | TWT's and Magnetics |

| Page | Line | Description |
|------|------|--|
| 165 | 17 | Approximately 1996. |
| 169 | 12 | Delete "there's 27" |
| 169 | 13 | 35 buyers at its peak time at the power tube location placing purchase orders. |
| 178 | 12 | Change "rate" to "late" |
| 206 | 15 | Change "Saw to "sold us" |

SIGNED UNDER THE PENALTIES OF PERJURY THIS 25 DAY OF JULY, 2006.


JOHN A. CHARTIER